

VZCZCXRO3975  
OO RUEHBC RUEHCHI RUEHCN RUEHDE RUEHDT RUEHHM RUEHKUK RUEHLH RUEHPW  
RUEHROV  
DE RUEHJA #1659/01 2470457  
ZNY CCCCC ZZH  
O 030457Z SEP 08  
FM AMEMBASSY JAKARTA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9954  
INFO RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUCNISL/ISLAMIC COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 2981  
RUEHLM/AMEMBASSY COLOMBO 1245  
RUEHKO/AMEMBASSY TOKYO 2443  
RUEHUL/AMEMBASSY SEOUL 4870  
RUEHPB/AMEMBASSY PORT MORESBY 3958  
RUEHWL/AMEMBASSY WELLINGTON 3018  
RUEHNE/AMEMBASSY NEW DELHI 2177  
RUEHHK/AMCONSUL HONG KONG 2928  
RUEHBA/AMCONSUL PERTH 1092  
RHEHNSC/NSC WASHDC  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001659

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, DRL/IRH  
NSC FOR E. PHU

E.O. 12958: DECL: 09/02/2018

TAGS: [PGOV](#) [KIRF](#) [KISL](#) [ID](#)

SUBJECT: UPPER HOUSE OF PARLIAMENT TO EXAMINE LEGALITY OF  
LOCAL SHARIA LAWS

REF: A. JAKARTA 3325

[1](#)B. JAKARTA 1611

JAKARTA 00001659 001.2 OF 002

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The Regional Representatives Council (DPD)--the upper house of Indonesia's parliament--has announced plans to form a legal body to examine the constitutionality of local Sharia-inspired bylaws. If found unconstitutional, the DPD's Chair said the bylaws would be revoked. This move is a positive counter to pressure from Muslim-oriented groups which have pressed for such bylaws in the face of Indonesia's secular, tolerant traditions. The move also indicates an increase in the activities of the DPD, a body which usually does not make headlines. Bio notes on the DPD chair are contained in para 6. END SUMMARY.

SEEKING A REVIEW OF BYLAWS

[1](#)2. (C) Indonesia's upper house of parliament has announced plans to examine local Sharia ordinances. Ginandjar Kartasasmita, Chair of the DPD, announced on September 1 that the DPD would establish a legal body to examine the constitutionality of Sharia laws enacted by local administrations across the country. (Note: Sharia are Islamic principles which govern the daily lives of Muslims. Various Indonesian localities have adopted such ordinances in the past decade. They are of various degrees of harshness and enforced at various levels.) He said the legal body--which would be set up in coordination with the National Law Commission (an independent body)--would examine all regional bylaws and recommend revocation of any law deemed unconstitutional.

[1](#)3. (C) This announcement comes on the heels of a recent speech given by the new Constitutional Court Chief Justice Mohammad Mahfud Mahmodin (who is known as "Mahfud") to a group of military officers. In this speech, Mahfud called these ordinances "divisive" and said the Constitution mandated respect for human rights (see Ref A). In making his

announcement, Ginandjar said he had consulted with the Constitutional Court about this matter, remarking: "This country belongs to all of us. There should be no exclusivity...Exclusive bylaws will be considered unconstitutional because they apply only to certain groups." He made specific reference to the following bylaws, most of which are Sharia-inspired:

- The curfew imposed on women in Tangerang, Banten Province;
- Koran literacy requirements for students and brides;
- Islamic dress code requirements for Muslim women;
- Various stringent "anti-prostitution" regulations; and,
- A proposed bible regulation in Manokawari, West Papua.

(Note: This proposed regulation was proposed by Christian groups in Manokwari, a Christian majority area.)

SHARIA: AN AREA OF MUCH CONTROVERSY:

14. (C) The DPD move is a positive counter to pressure from Muslim-oriented groups which have pressed for such bylaws in the face of Indonesia's secular traditions. While many bylaws are still on the books, however, no new Sharia-inspired bylaws have been implemented since 2006, according to Asia Foundation Deputy Director Robin Bush (see ref B). That said, many Indonesians of a moderate to liberal persuasion have expressed concern for some time about these bylaws. For example, in a September 2 meeting, Akbar Tandjung, an important leader of Golkar (Indonesia's largest political party), told Pol/C that "I have long been an opponent of such bylaws. They conflict with Indonesia's traditions and Pancasila (Indonesia's founding principles) and must be thrown out."

15. (C) The move also indicates an increase in the activities

JAKARTA 00001659 002.2 OF 002

of the DPD, a body which usually does not make headlines. The DPD's tasks are basically limited to reviewing legislation surrounding regional autonomy and the relationship between the central and local governments. Since its formation in November 2001, it has played a relatively minor role on national issues. Some contacts have told us that the DPD Chair, Ginandjar Kartasasmita, wants to make the body more active and is working in partnership with the Constitutional Court and its new Chief Justice to do so.

BIO NOTES:

16. (SBU) Ginandjar Kartasasmita, 67, became Chair of the DPD in 2004 and is serving a five-year term. Both of his parents were Indonesian independence activists. He is a self-professed nationalist and a former military officer. He was a former member of President Suharto's cabinet in the latter part of the Suharto timeframe and had an outspoken reputation. He reportedly played a role in Suharto's sudden resignation in May 1998 by refusing to support Suharto's last gasp effort to form a new cabinet. As Chair of the DPD, he has not been in the limelight that much. In 2006, he led DPD efforts to find ways to implement Papua's Special Autonomy provisions in a more effective manner, but this effort did not gain much traction.

HUME